

# ADMINISTRATIVE POLICIES OF THE MILWAUKEE PUBLIC SCHOOLS

## ADMINISTRATIVE POLICY 8.42 STUDENT RECORDS

### (1) BACKGROUND

(a) In 1974, the federal government enacted the Family Educational Rights and Privacy Act (PL 93-380, Section 513, and amended by Section 2 of PL 93-568). In brief, the law and final regulations issued for implementing the Act call for each school district to establish a written policy and procedures concerning the privacy and confidentiality rights of students and their families. Required in the policies are the areas of definition, access, amendment, disclosure, and destruction of student records.

(b) In related action, but preceding the enactment of PL 93-380, the State of Wisconsin enacted Chapter 118.125. This statute is intended to provide direction in the areas of confidentiality, maintenance, and transfer of student records. Similarly, Chapter 115 of the Wisconsin Statutes authorized the Department of Public Instruction to promulgate rules in the area of records of students with disabilities. This promulgation, known as Chapter PI 11.05, Wisconsin Administrative Code, assures the proper collection, maintenance, and dissemination of records of students with disabilities.

(c) While the federal and state laws and Board actions relevant to student records (confidentiality, access, amendment, destruction, and disclosure) are compatible, the federal law is in some areas less restrictive than are state laws and Board actions. Consequently, this Records Policy which follows is written to comply with the stricter requirements, thus meeting the requirements of all laws and administrative policies and rules.

### (2) DEFINITIONS

Section 118.125 of the Wisconsin Statutes provides the following definitions and descriptions of student records.

(a) *Record* means any information maintained in any way, including, but not limited to, handwriting, videotape or audiotape, computer media, film, print, and microfilm or microfiche.

(b) *Pupil records* are all records relating to an individual pupil maintained by the school district, but do not include notes or records maintained for personal use by teachers or other certified personnel that are not available to others and records necessary for, and available only to, persons involved in the psychological treatment of a pupil.

(c) *Progress records* are pupil records that include the pupil's grades, a statement of courses which the pupil has taken, the pupil's immunization records, the pupil's attendance record, any lead-screening records required by law, and records of the pupil's school extracurricular activities.

(d) *Behavioral records* are those pupil records that include psychological tests, personality evaluations, records of conversations, written statements relating specifically to an individual pupil's behavior, tests relating specifically to achievement or measurement of ability, the pupil's physical health records, other than his/her immunization record or any lead-screening records required by law, law-enforcement officers' records obtained under state law, and any other pupil records that are not progress records.

(e) *Law-enforcement agency records* include those records and other information obtained from a law-enforcement agency relating to:

1. the use, possession, or distribution of alcohol or a controlled substance by a pupil enrolled in the District;
2. the illegal possession of a dangerous weapon by a child; or

3. an act for which a pupil enrolled in the District was taken into custody based on the law-enforcement officer's belief that he/she violated or was violating any state or federal criminal laws; and
  4. the act for which a juvenile enrolled in the District was adjudged delinquent.
- (f) *Court records* include those records received from a court concerning a juvenile enrolled in the District who:
1. has had a petition filed with a court alleging that he/she has committed a delinquent act that would be a felony if committed by an adult;
  2. has been adjudged delinquent;
  3. has school attendance as a condition of his/her court dispositional order; or
  4. has been found to have committed a delinquent act at the request of or for the benefit of a criminal gang that would be a felony if committed by an adult, and has been adjudged delinquent on that basis.
- (g) *Eligible pupil* is a pupil who has reached 18 years of age or is attending an institution of post-secondary education.
- (h) *Parent* means a parent of a pupil and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.
- (i) *School District Official* is a person employed by the District who is required by the Department of Public Instruction (DPI) to hold a license; a person who is employed by or working on behalf of the District as an administrator, supervisor, teacher, or support staff member (including health or medical staff and police-school liaison personnel); a person serving on the school board; a person or entity with whom the District has contracted to perform a special task (such as an attorney, auditor, consultant, or therapist); or a person serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks.
- (j) *Pupil physical health records* are those pupil records that include basic health information about a pupil, including the pupil's immunization records, an emergency medical card, a log of first-aid and medicine administered to the pupil, an athletic permit card, a record concerning the pupil's ability to participate in an educational program, any lead-screening records required by law, the results of any routine screening test — such as for hearing, vision, or scoliosis — and any follow-up to such test, and any other basic health information, as determined by the State Superintendent of Public Instruction. Behavioral records are pupil physical health records.
- (k) *Patient healthcare records* are all records related to the health of a pupil prepared by or under the supervision of a healthcare provider which are not included in the definition of pupil physical health records. In general, records regarding the health of a child that contain such information as diagnoses, opinions, and judgments made by a healthcare provider, as defined by Wisconsin Statute §146.81, except for records containing only the basic health information included in the definition of pupil physical health records, are treated as patient healthcare records.
- (l) *Directory Data*, as designated by the Milwaukee Board of School Directors, are the following pupil records:
- the pupil's name,
  - the pupil's participation in officially recognized activities and sports,
  - the pupil's weight and height as a member of an athletic team,
  - degrees and awards received by the pupil, and
  - the name of the school most recently attended by the pupil prior to his or her current school (but *not* the school currently attended by the pupil).
- (m) *Disclosure* means to permit access to, or the release, transfer, or other communication of, personally identifiable information contained in pupil records to any party, by any means, including oral, written, or electronic means.

- (n) *Custodian of Records.*
1. Both the Superintendent and Director, Office of Board Governance, are custodians of records maintained by the school district, depending on the nature of the records.
  2. The Senior Director of the Department of Student Services is the official designated custodian of student records within Central Services.
  3. Each school shall have a student-record manager, whose responsibilities shall be to review and manage data included in the student's cumulative file. This responsibility is assigned to the building principal or school leader.

### **(3) LOCATION, MAINTENANCE, AND STORAGE OF PUPIL RECORDS**

#### **(a) Student Database**

The student database is a computerized system of recording information about pupils in Milwaukee Public Schools. Certain information is permanently preserved in the database.

#### **(b) Cumulative Folder**

A cumulative folder is kept in the school of attendance for every pupil enrolled at the school. For security purposes, cumulative folders must be kept either in a locked room with restricted access or in a file cabinet that is locked when not in use. A complete list of records to be filed in the cumulative folder is maintained in the Department of Student Services.

#### **(c) Central File**

A central file folder is kept for pupils within the Milwaukee Public Schools who have had specialized services or who have committed a Level 4 disciplinary offense. Upon request, the Department of Student Services shall provide parents a list of the type and locations of pupil records collected, maintained, or used by MPS.

### **(4) RETENTION AND DESTRUCTION OF RECORDS**

(a) Records Maintained in Perpetuity. Transcripts (scholarship record cards) and principal's office record cards in cases in which a school has been closed shall be maintained in perpetuity.

(b) Any explanation of records placed in a pupil's file must remain as part of the record as long as the record is maintained by the school system. Any explanation contained as part of a pupil's record must be disclosed along with the record in question.

(c) All pupil progress records shall be maintained for five years after the pupil ceases to be enrolled in the District. After that time, all pupil progress records, except those identified as records kept in perpetuity, shall be destroyed by the custodian of records or the records manager in each building, unless there is an outstanding request to review or copy the records.

(d) Except as provided in paragraph e, below, behavioral records shall be maintained for no longer than one year after the pupil ceases to be enrolled in the District, unless the eligible pupil or the parent/guardian, if the pupil is a minor, specifies in writing that the records may be maintained for a longer period of time.

(e) The cumulative folder shall be reviewed by the principal or administrative designee when the pupil transfers to another school in the district, or any other school, or terminates attendance at any school. Those records no longer relevant shall be destroyed, except any record identified in the list of behavioral and progress records and any statements made by parents commenting on the accuracy of the records, shall be maintained in the folder.

(f) The Superintendent shall designate a person who shall be responsible for reviewing records of pupils with disabilities before such records are destroyed. Parents/guardians and eligible pupils shall be informed of records that are no longer needed to provide educational services to the pupil with a disability and of their right to obtain a copy of such records before they are destroyed.

(g) No pupil records shall be destroyed if there is an outstanding request to inspect and review such records.

(h) Student records may be stored through any electronic technology that accurately reproduces the original images of records.

## **(5) CONFIDENTIALITY**

All pupil records shall be confidential, with the following exceptions:

### **(a) Disclosure of Pupil Records to Eligible Pupils and Parents/Guardians**

1. Eligible pupils or parents/guardians of minor pupils have the right to inspect and review the pupil's records. They also have the right to have their requests to inspect and review honored within a reasonable period of time, not to exceed 45 days after the request has been made. If, however, a formal hearing or inquiry is pending for which the records are needed, the eligible pupil or parents/guardians shall be allowed to inspect and review the records prior to the hearing or inquiry.

2. An eligible pupil or the parent/guardian of a minor pupil shall, upon request, be provided with copies of the pupil's pupil records. The District may charge a fee for copies. The charge for these copies shall be established annually and shall be posted in the office of the Department of Student Services.

3. A parent of a child with a disability must, upon request, be shown and provided with copies of that pupil's pupil records. The pupil records custodian shall comply with a request for access without unnecessary delay and before any meeting regarding an individualized education program (IEP) or a due-process hearing.

4. An eligible pupil or the parent/guardian of a minor pupil shall, upon request, be shown the pupil's behavioral records in the presence of a person qualified to explain and interpret the records.

5. A parent shall have access to his/ her child's pupil records, regardless of whether or not the parent has legal custody of the child, unless the parent has been denied periods of physical placement with the child or if a court order restricts the parent's access.

6. The rights held by a parent regarding his/her minor child transfer to the child when the child reaches the age of 18 years (thus becoming an "eligible pupil"). Personally identifiable information from an eligible pupil's records may be disclosed to the pupil's parents/guardians, without the eligible pupil's consent, if the eligible pupil is a dependent of his/her parents/guardians under the Internal Revenue Code. An exception shall be made when an eligible pupil has informed the school, in writing, that the information may not be disclosed.

7. If any pupil record includes information on more than one student, the parents of those students have the right to inspect and review the information relating to their children, or to be informed of that specific information.

8. The Department of Student Services shall provide parents, upon request, with a list of the type and location of pupil records collected, maintained, or used by the school district.

### **(b) Access to Pupil Records (Other than Patient Healthcare Records) by District Staff and Other Designated School District Officials**

1. Pupil records may be made available to employees of the District who are required by the state to hold a license and to other "school district officials" who have been determined by the Milwaukee Board of School Directors to have "legitimate educational interests," including safety interests, in the pupil records. A school official has a legitimate educational interest if the official needs to review a pupil record in order to fulfill his/her professional or district responsibility.

2. Information received by the District from law-enforcement agency records may be made available to those school district officials with legitimate educational interests, including safety interests, in the information. If such information obtained by the District relates to a district pupil, the information may also be disclosed to those district employees who have been designated by the School Board to

receive that information for the purpose of providing treatment programs for district pupils. The information may not be used as the sole basis for suspending or expelling a pupil from school, or as the sole basis for taking any other disciplinary action against a pupil, including action under the District's athletic/activity code. Upon receipt of information from a law-enforcement agency, the school district administrator who receives the information shall notify any pupil named in the information, as well as the parent or guardian of any minor pupil named in the information, of the information.

3. Notwithstanding their confidential status, pupil records may be used in suspension and expulsion proceedings and by individualized education program teams under state special education laws, except that law-enforcement officers' records and court records may not be used as the sole basis for suspending or expelling a student from school or as the sole basis for taking any other disciplinary action against a student.

**(c) Disclosure of Pupil Progress and Behavioral Records (Other than Patient Healthcare Records) to Others**

1. Pupil records shall be disclosed in accordance with certain court orders and subpoenas. The District shall make a reasonable effort to notify the parent/guardian, or eligible student, of a judicial order in advance of compliance, except as otherwise provided by law.

2. If school attendance is a condition of a pupil's court dispositional order under state law, the school board shall notify the county department that is responsible for supervising the pupil within five days after any violation of the condition by the pupil.

3. A law-enforcement agency shall be provided a copy of a pupil's attendance record if the law-enforcement agency certifies in writing that the pupil is under investigation for truancy or allegedly committing a criminal or delinquent act, and that the law-enforcement agency will not further disclose the pupil's attendance record information, except as permitted by law. When a pupil's attendance record is disclosed to a law-enforcement agency for purposes of truancy, the school district shall notify the pupil's parent/guardian of that disclosure as soon as practicable after the disclosure.

4. A fire investigator shall be provided a copy of a pupil's attendance record if the fire investigator certifies in writing that:

- a. the pupil is under investigation for arson;
- b. the pupil's attendance record is necessary for the fire investigator to pursue his/her investigation; and
- c. the fire investigator will use and further disclose the pupil's attendance record only for the purpose of pursuing that investigation.

5. The District may disclose pupil records to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of any individual.

6. For the purpose of providing services to a pupil before adjudication, the school board may disclose pupil records to a law-enforcement agency, district attorney, city attorney, corporation counsel, agency as defined in section 938.78(1) of the state statutes, intake worker under section 48.067 or 938.067 of the statutes, court of record, municipal court, private school, or another school board, if disclosure is pursuant to an interagency agreement, and the person to whom the records are disclosed certifies in writing that the records will not be disclosed to any other person, except as permitted under state law.

7. Upon the written consent of an eligible pupil, or the parent/guardian of a minor pupil, the school shall make available to the person or entity named in the consent form the pupil's progress records or such portion of his/her behavioral records as determined by the person authorizing the release. Law-enforcement records may not be made available under this exception unless specifically identified by the eligible pupil, or by the parent/guardian of a minor pupil, in the written consent. The written consent must be signed and dated and must specify the records that may be disclosed, state the purpose of the

disclosure, and identify the party or class of parties to whom the disclosure may be made. Appropriate consent forms shall be available from the Office of the Director of Student Services and in the principal's office of each MPS school, although use of that specific form is not required.

8. Upon request, the District shall provide the DPI with any information contained in a pupil record that relates to an audit or evaluation of a federal or state-supported program or that is required to determine compliance with state education law.

9. Information from a pupil's immunization records shall be made available to the Department of Health and Family Services to carry out the purposes of the law.

10. Information from any pupil's lead-screening records shall be made available to state and local health officials to carry out the purposes of the law.

11. Upon request, the names of pupils who have withdrawn from school prior to graduation shall be provided to the technical college district board in Milwaukee or, for verification of eligibility for public assistance, to the Department of Health and Family Services, the Department of Workforce Development, or a county department as specified by law.

12. The District shall, upon request, provide pupil disciplinary records and special education records necessary for purposes of open enrollment in another public school district, as permitted by law. Information from any pupil's lead-screening records shall be made available to state and local health officials to carry out the purposes of the law.

#### **(d) Release of Pupil Patient Healthcare Records**

1. All pupil patient healthcare records shall remain confidential. Such records may be released only to persons specifically designated by law or to other persons with the informed written consent of the patient or a person authorized by the patient. Pupil patient healthcare records maintained by the District may only be released, without informed written consent, to a district employee if either of the following apply:

- a. the employee has responsibility for the preparation or storage of pupil patient healthcare records; or
- b. access to the pupil's patient healthcare records is necessary to comply with a requirement in federal or state law.

2. Any record that concerns the results of a test for the presence of HIV (the virus that causes acquired immunodeficiency syndrome [AIDS]) or antibody to HIV shall be confidential and may be disclosed only with informed written consent on the appropriate "informed consent for testing or disclosure form," as provided in Wisconsin Statutes §252.15(1)(e).

#### **(e) Disclosure of Directory Data**

1. Directory data is information about a pupil that would not generally be considered harmful or an invasion of privacy if disclosed. State and federal pupil-records laws allow school boards to designate, from a list of categories of information, what information that school district will consider to be directory data. The Milwaukee Board of School Directors has determined the following to be directory data:

- a pupil's name;
- participation in officially recognized sports and activities;
- weight and height of athletic teams;
- degrees and awards received; and
- the name of the school most recently previously attended by the pupil.

2. Directory data will be disclosed by the District upon request, but only after the District has done the following:

- a. notified parents and guardians of the categories of information that it has designated as directory data with respect to each pupil. Notice shall be provided annually in

September, through a letter which will be mailed to the address of record for all parents and guardians.

- b. informed parents and guardians that they have until November 1 to inform the school whether all or any part of the directory data may not be disclosed without their prior written consent; and
  - c. allowed until November 1 for such persons to inform the District, in writing, that all or any part of the directory data may not be disclosed without their prior written consent.
3. The District will not disclose directory data earlier than November 1 or after the District has received a written request from the parent or guardian asking that directory data not be disclosed.
  4. If the District has followed the notification procedure outlined above, and the parent or guardian does not object to the directory data being released, the Senior Director of the Department of Student Services, or designee, shall, upon request, provide the name and address of each student expected to graduate from high school in the current school year to the Milwaukee technical college district board.

**(f) Disclosure of Pupils' Names, Addresses, or Telephone Listings to Military Recruiters and/or Institutions of Higher Education**

1. The District shall provide, on a request made by military recruiters or institutions of higher education, access to secondary-school pupils' names, addresses and telephone listings. All such requests must be made through the Department of Student Services.
2. A secondary-school pupil, or the parent/guardian of a pupil, has until November 1 to request that the pupil's name, address, and/or telephone listing not be released to military recruiters or institutions of higher education without prior written parental consent.
  - a. The District shall notify parents/guardians that it is required to do so and of the option to make such a request and shall comply with any such request.
  - b. Notice shall be mailed to each household annually in September through a letter with the Request to Withhold High School Student's Name, Address, and Phone Number from Military Recruiters or Military Personnel.

**(6) RE-DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION**

(a) When the District discloses personally identifiable information from a pupil record in accordance with this policy, it shall do so only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the parent or eligible student. The officers, employees, and agents of a party that receives information under this paragraph may use the information only for the purposes for which the disclosure was made.

(b) Paragraph (6)(a), above, does not prevent the District from disclosing personally identifiable information with the understanding that the party receiving the information may make further disclosures on behalf of the District if:

1. the disclosures meet the requirements of section (4) of this policy, and
2. the District has complied with the requirements of §99.33(b)(2), Wis. Stat.

**(7) TRANSFER OF RECORDS**

(a) All requests for the transfer of MPS records to another school or school district (public or private) should be directed to the MPS school principal.

(b) The District shall transfer to another school or school district all pupil records relating to a specific pupil if it has received written notice:

- from an adult pupil, or the parent/guardian of a minor pupil, that the pupil intends to enroll in the other school or school district;
- from the other school or school district that the pupil has enrolled; or

- from a court that a pupil has been placed in a secured correctional facility, secured child caring institution, or secured group home.

(c) Pupil records shall be transferred within ~~five~~ one working days of receiving the written notice, as is required by law. Patient healthcare records and law-enforcement agency records shall be maintained separately from a pupil's other records.

(d) When a pupil transfers into MPS from another school district, or transfers from one MPS school to another after the start of the school year, the principal of the receiving school shall immediately provide written notice of the pupil's enrollment to the previous school and shall actively seek to obtain the pupil's records.

### **(8) PROCEDURE TO INSPECT AND REVIEW PUPIL RECORDS**

(a) The school principal shall have primary responsibility for maintaining the confidentiality of all pupil records kept at the school. Except as otherwise provided, all requests for inspection of records by a parent or guardian or eligible pupil should be directed to the principal. The principal shall establish proper identification of the person requesting records. The principal or his/her qualified designee shall be present to interpret behavioral records, if requested by the parent/guardian or eligible pupil.

(b) If the principal believes that certain pupil records are located elsewhere in the District, such as in the Department of Student Services, the principal shall arrange for the parent/guardian or eligible pupil to conveniently review such records.

(c) The Senior Director of the Department Student Services shall have primary responsibility for maintaining the confidentiality of all pupil records maintained at the central administrative office and in the student information database. Persons other than parents/guardians and eligible pupils — such as an attorney who has a written consent from the parent/guardian or eligible pupil — should present their requests to the Office of the Director of Student Services. The Director or his/her designee shall establish proper identification of the person requesting access to pupil records.

(d) Each school and the Department of Student Services shall maintain a record of each request for access to, and each disclosure of personally identifiable information from, the pupil records of each pupil, except when the request is from the pupil's parent or guardian. For each request or disclosure, the record shall include:

1. the parties who have requested or received personally identifiable information from the education records, and
2. the legitimate interests the parties had in requesting or obtaining the information.

### **(9) RECORDS OF DECEASED PUPILS**

(a) Persons seeking records of deceased pupils should direct their requests to the Senior Director, Department of Student Services.

(b) Records of deceased pupils are to be treated in the same manner as are the records of pupils who have left the district.

(c) If information is requested regarding the school the student attended, the name of the last school of attendance may be disclosed.

### **(10) AMENDMENT OF RECORDS**

(a) A parent/guardian or eligible pupil who believes that information contained in the pupil's records is inaccurate, misleading, or otherwise in violation of the pupil's rights of privacy may request that the District amend the records.

(b) The parent/guardian or eligible pupil may submit a written request for amendment of records. This request should identify the record to be amended and the reason for amendment. This request should be addressed to:



Senior Director, Department of Student Services  
Milwaukee Public Schools Central Services Building  
P.O. Box 2181  
Milwaukee, Wisconsin 53201-2181

(c) Within 10 days of the receipt of the request, the Senior Director of the Department of Student Services, with the person who created the record and/or his/her supervisor, shall review the record and decide whether to amend the record in accordance with the request.

1. If a decision is made to amend the record, the record shall be amended, and written notice of the amendment shall be provided to the parent/guardian or eligible pupil.
2. If a decision is made to refuse the amendment as requested, the parent/guardian or eligible pupil shall be informed in writing, and the school shall advise the parent/guardian or eligible pupil of the right to request a hearing regarding the requested amendment.

(d) Within 10 days after receipt of a written request for hearing, the hearing shall be set to occur within 30 days of the time of the hearing request.

1. A hearing officer shall be appointed by the Superintendent's office to conduct the hearing.
2. If the hearing results in a decision that the record not be amended, the parent, guardian, or eligible pupil shall be informed of the right to place in the educational file of the pupil a statement commenting upon information in the pupil's records and/or setting forth any reasons for disagreeing with the decision.

### **(11) COMPLAINTS REGARDING ALLEGED NON-COMPLIANCE WITH FERPA**

An eligible pupil or the parents/guardians of a minor pupil may file a complaint with the Family Policy Compliance Office of the U.S. Department of Education against the District's alleged non-compliance with requirements of the federal Family Educational Rights and Privacy Act (FERPA).

### **(12) STUDENT RIGHTS**

When a student attains the age of 18, the rights accorded to, and consent formerly required of, the parent(s) of the student shall be accorded to, and required of, the student; however, the parents of an adult student who continues to be financially dependent upon the parents may continue to have access to their child's pupil records, unless the adult student notifies the school in writing that this information may not be shared with the parents without the student's permission.

### **(13) ANNUAL NOTIFICATION OF RIGHTS**

- (a) Parents/guardians and eligible pupils shall be notified annually of the following:
1. their right to inspect, review, and obtain copies of pupil records;
  2. their right to request the amendment of the pupil's records if they believe the records are inaccurate, misleading, or otherwise in violation of the pupil's rights of privacy;
  3. their right to consent to the disclosure of information contained in the pupil's records, except to the extent state and federal law authorizes disclosure without consent;
  4. the categories of pupil record information that have been designated as directory data and their right to deny the release of such information; and
  5. their right to file a complaint with the Family Policy Compliance Office of the U.S. Department of Education.
- (b) The notice shall also include the following:
1. the procedure for exercising the right to inspect and review pupil records;
  2. the procedure for requesting amendment of records; and

3. a specification of criteria for determining who constitutes a school official and what constitutes a legitimate education interest.

(c) The District shall effectively notify parents or eligible pupils who are disabled and parents who have a primary or home language other than English.

(d) Parents/guardians of secondary school pupils shall also be notified of their option to request that the District not release the secondary-school pupil's name, address, or telephone listing to military recruiters or institutions of higher education without prior written parental consent.

(e) The written notice shall be distributed to parents/guardians and eligible pupils at the beginning of each school year. When a pupil transfers into the District after the above notice has been given, the pupil and his/her parent(s)/guardian shall receive a copy of the notice at the time and place of enrollment.

#### **(14) ACCESS**

##### **(a) Cumulative Folder Access**

Only certificated persons currently and directly involved with a student shall be granted access to a student's cumulative folder. Third parties may have access to student's cumulative folder with the written consent of the parent (or eligible student). The records manager in each school building shall be responsible for monitoring access to cumulative folder files.

##### **(b) Central File Access**

The director of each department or division in the Milwaukee Public Schools shall maintain a current list of employees who have access to student records in the central file. This list shall be placed on file with the custodian of records and shall be posted in the office of the Department of Student Services.

##### **(c) Student Database Access**

The director of each department or division in the Milwaukee Public Schools shall maintain a current list of employees who have access to information in the student database. This list shall be placed on file with the custodian of records and shall be posted in the office of the Department of Student Services.

##### **(d) Record of Access**

A record shall be kept of all persons (except parents and eligible students) who have had access to a student's central or cumulative file, and this record shall be available for parental or eligible student inspection. This record shall include:

1. the name of the person requesting access, and
2. the reason why and the date and time when access was requested and given.

#### **(15) INSPECTION AND REVIEW OF RECORDS**

##### **(a) Right to Inspect and to Review**

Parents and eligible students have the right to inspect and to review the student's records. They also have the right to have their requests to inspect and review honored within a reasonable period of time. Federal law and rules prescribe that this period not exceed 45 days after the request has been made. If, however, a formal hearing or inquiry is pending, the parents and eligible students shall be allowed to inspect and review the records prior to the hearing or inquiry.

##### **(b) Procedure for Inspection and Review**

###### *1. Request to the Custodian*

A request to inspect or copy records must be made to the custodian of records. A request from a third party must be accompanied by an authorization for such release from the parents or eligible student.

###### *2. Identification*

The custodian of records shall establish proper identification of the person requesting records.

### 3. *Removal and Copying of Records*

a. No student or behavioral records shall be removed from the Central Services. Records housed at the school may not be released, except in the case of a student's transferring to another school within the system or to a school district other than the Milwaukee Public Schools upon the student's enrollment.

b. Copies of records may be obtained at the expense of the parent/guardian, eligible student, or authorized third party. The charge for these copies shall be established annually and posted on the bulletin board in the office of the Department of Student Services. Copies of records housed at the school may also be obtained at the established rate by the parent/guardian, eligible student, or authorized third party with written consent.

c. A conference shall be held by the principal/administrator and those persons whom he/she designates with the parent/guardian, eligible student, or authorized third party, as needed, in order to interpret data or reports which may be included in the student record.

d. In accordance with Section 118.125(2)(b) of the Wisconsin Statutes, before copies of behavioral records are provided to a parent/guardian or eligible student, the records must be shown to the adult student or guardian of a minor child in the presence of a person qualified to explain and interpret the record.

### **(16) INTERPRETATION OF THIS POLICY**

Questions related to interpretation of this document should be addressed to the Senior Director of the Department of Student Services.

**History:** Adopted 3-7-78; revised 10-26-82, 11-28-94 (effective 12-31-94), 6-25-97, 4-23-15, 6-24-21

**Previous Coding:** Admin. Policy JO, prior to May 1995; Admin. Policy 10.42, May 1995-August 1996

**Legal Ref.:** Family educational rights and privacy act (PL 93.380, section 513, and amended by section 2 of PL 93-568) W.S. 115.01 et seq., 118.125, 119.18(22)

**Cross Ref.:** Admin. Policy 9.02 Public's Right to Know

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